



Town of Carlisle

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Office of

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MINUTES

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PB Chair **Louise Hara** called the meeting to order at 7:30 p.m. in the Clark Room at Town Hall. Board members **Ray Bahr, David Freedman, Kent Gonzales, Peter Stuart, and Phyllis Zinicola** were present, along with Planning Administrator **George Mansfield** and Associate Planning Board member **Tom Lane**. Temporary Administrative Assistant **Helen Boos** was also present. One member, **Rich Boulé**, was absent.

Review of conditions objected to by AT&T Wireless location

Kim Saillant, Town Counsel, summarized events concerning the proposed telecommunications tower at the Andregg parcel located at 871 Bedford Road as follows: there were 27 original conditions presented to the telecom company by the Town of Carlisle last spring; of those 27, the telecom company had objected to eight. The PB had worked on revisions to those eight conditions in the June 15th meeting and the conditions were then forwarded to Stephen D. Anderson, the plaintiff's attorney. In July, he responded, accepting five of the eight conditions, with suggestions for the three remaining conditions, which Saillant feels are all acceptable. They are as follows.

1. Condition 4 concerned proper maintenance of the access road. The original condition (which had not been revised in the June PB meeting) suggests an agreement stating: "The landowner is responsible for maintaining and plowing the access drive from the street to the residence located in 871 Bedford Road. The owner of the telecom tower is responsible for maintaining and plowing the access drive from the point at which it forks off the main access curve..." AT&T Wireless and the other telecom providers have suggested that they draft a maintenance agreement along with an easement, to be reviewed by Saillant.
2. Condition 17 concerned the installation of underground utilities, which was not revised in the June PB meeting but which Saillant outlined in her memo on June 17th. The telecom company has essentially agreed to this condition, suggesting one change: that if the need arises during the installation phase (i.e. if they run into a problem) that they would be permitted to come before the board to show good cause to modify the agreement (stated "unless otherwise permitted by the PB for good cause shown"). The rest of the condition would remain the same. Saillant says that she will be available for assistance in determining good cause if the need arises.

3. Condition 23 concerned bonding for the complete removal of the tower. In their lease agreement, the involved parties had agreed to let the foundation remain. That being the case, AT&T and the other telecom providers suggest modifying the condition to read, "A bond or other surety shall be presented to the town to cover the cost of complete tower removal in accordance with the lease agreement with the property in case of abandonment" of the tower and/or tower facility. (The last part was added by Saillant for clarity.) They would also like to modify the initial bond amount to \$25,000 (the estimated cost to remove the tower), agreeing to revisit the issue after 5 years to see if the surety amount needs to be updated.

Zinicola asked if the plaintiffs will allow Saillant to see the portions of the lease that are referred to in the conditions. Saillant said she has stayed away from the full review of the lease agreement, but she will ask to see the relevant portions.

If the PB approves of these conditions, it will be reviewed by Saillant and Anderegg's attorney.

Freedman **moved to accept these conditions as explained here**, Stuart seconded the motion and it carried 6-0.

Public Hearing for request for two Common Driveway Special Permits for Benfield Parcel B (967 West Street) and Benfield Parcel C (894 West Street)

Two common driveway special permit applications are being combined in a joint hearing. Hara appointed Associate Member Tom Lane for the Public Hearing to act on this application.

Those present are as follows: Frank Stewart and Peter Crabtree of Northland Residential; Robert Gemma and John Finnegan of MetroWest Engineering; Marilyn Sanders of 108 Canterbury Ct.; David and Sharon McKay of West St.; Ed Sonn of Woodland Dr.; Sandy Brock and Bill Doyle of Judith Nitsch Engineering; Peter Benfield and Ben Gold for Ben Benfield of West St.; Dick Blanchard of Rutland St.; Steve Hinton of 684 East St.; Greg Peterson of 63 Indian Hill; and Sylvia Willard of 34 Bellows Hill Rd.

Mansfield noted that once the hearing opens, the PB member who is absent (Boulé) will no longer be eligible to vote on the issues. The applicant agreed to proceed with the hearing, and the PB set the date to reconvene the Public Hearing on September 27, which is the next date that all members who are present at this meeting expect to be present again.

Frank Stewart, president of Northland Residential Corporation (accompanied by his associate **Peter Crabtree**), presented the application for two common driveways. As backdrop for the application, he explained the larger project to devise a plan for the Benfield property that has been going on for years, involving the Benfield family, the trustees, the Carlisle Conservation Foundation, and the town boards. The project has been to create a plan for the property that would limit the development to 32% of the 122 acres, with 68% to be protected forever. He reiterated that the plans for the subdivision, the protected open space areas, and the areas that are subject to conservation restrictions are already in place. He has filed the CRs (conservation restrictions) that go with the entire property, which encumber everything, including the areas set aside to be buildable, which is a little unusual. Those were approved by the town, the State, and all the parties involved in the master planning. It is currently sitting in escrow with all the other documentation, waiting for the permits for two common driveways to be completed so that the entire project can move forward. They are working concurrently with the Conservation Commission on the parts of the driveways that goes through the wetlands buffer.

Each of the two common driveways would serve four oversized lots off West Street, a division of the Benfield property. Stewart explained that, because of the traffic on West Street, the topography and wetland issues, it was determined that instead of four individual driveways, it would be better to have one common drive to service four homesites.

Robert Gemma, president of MetroWest Engineering (accompanied by his associate **John Finnegan**) summarized design details of the driveways. Parcel B is about 48 acres, with 24 acres open to development, and the remainder a conservation restriction area. Key features of the driveway are a bridge crossing at the narrowest part of the wetlands, which limits disruption of the wetland area to a minimum, and an eight-foot retaining wall to hold the wall on a very steep part of the driveway, in order to limit the amount of fill that needs to be brought in. **David McKay** of West Street

expressed concern about the attractiveness of the retaining wall. Gemma and Stewart explained that the proposed wall would be made of concrete blocks textured and colored to simulate various types of rock and blend into the natural look of the area.

The proposed driveway itself is 950-feet long, eighteen feet wide, with a T-turnaround at the end, and canted so that runoff flows to the low side of the driveway where there will be an infiltration trench, to comply with DEP storm water management standards calculated for half-inch capacity. Above that, it will hit a perforated plastic pipe, where the water will run into a sediment forebay, which captures solids in the runoff before it flows into wetlands. The sediment forebay will have a vegetative cover. The sediment forebay is designed to meet two of the major DEP standards, one to infiltrate ground water at a level that approximates the predevelopment condition, and the second to treat at least the first half inch of runoff for totally suspended solids. These two systems combined are designed to treat over two-and-a-half inches of runoff. In the section of the driveway with the retaining walls, the runoff will run to a low point in the road, where there will be a double set of catch basins, which will then be then routed through a storm sceptor, a commercially available storm water treatment device.

There were two factors driving the design of the driveway: the topography (grade of the land; wetlands areas); and the Fire Department's standards, which included a two-foot shoulder on one side and a one-foot shoulder on the other side that should be maintained and free of vegetation, as well as a kidney-shaped loop next to the pond that allows fire trucks to turn around and a dry hydrant to be installed to pull water from the pond, and the T-turnaround at the end of the driveway.

Stewart commented that the specifications the Fire Chief has stipulated are much more substantial than any common driveway currently in Carlisle. They have tried to negotiate for consistency, for its own sake as well as for aesthetics and to minimize impact on the area, but the Fire Chief was adamant. Stewart emphasized that the driveway design is currently drawn to the highest public safety standards he has ever constructed, to the point of being over-designed in regard to width and the turnarounds. Hara commented that the driveway widths far exceed the PB regulations. Stewart points out a part of the road that is wider than West Street, although it serves only four homes. He remarked on the substantial number of hours spent with the Fire Department to work through their requirements, and then Mansfield informed him of a more recent letter received from the Fire Chief explaining changes required in their design.

Gemma then outlined the design for the driveway for Parcel C, key feature of which is a fire cistern at the entrance from the road. There was some discussion comparing the impact on the area and fire safety factors if there were four individual driveways and whether there are CRs to keep them from doing that. There are no CRs yet, but it was agreed that the impact would be greater with four individual driveways, with no greater public safety benefits, although it was noted that the fire department would not have any jurisdiction over individual driveways, as long as there is an occupancy permit for the house.

The common driveway in Parcel C turnaround is a cul de sac. **Dick Blanchard** of Rutland Street asked what the cul de sac radius is. Gemma answered that it is a fifty-foot radius (to the center line), as per the Fire Department regulations, and Mansfield informed him that the Fire Chief has requested an inside radius of fifty feet; the cul de sac pavement would require twenty feet more.

Ed Sonn of Woodland Road asked how far the driveway entrance onto West Street is from the intersection of West and South Streets. Stewart pointed out features that prohibit much variance in the location of the driveway on West Street. To the north is a wetland area that they cannot disturb. In the other direction, there is an historic lime kiln, so it is about 300 feet from the intersection. Sonn discussed concern for the safety of the intersection's current triangular configuration, as well as a large rock that is difficult to see around, admitting some sensitivity because his son was almost in an accident there. Sonn also discussed a possible problem of runoff from the new driveway onto the road surface where West Street is low and drainage is already poor. Gemma said they have designed the driveway to accommodate the low point in the road so that the driveway's runoff will not flow onto West Street. Stewart mentioned that the culvert designed to collect runoff currently gets backed up and the water runs across the road. The culvert needs to be maintained so that the water is diverted under the road instead of over it. Mansfield mentioned that the DPW should be reminded of this issue. This led to discussion of whether runoff from West Street would affect the proposed driveway.

Sandy Brock (accompanied by Bill Doyle) of Judith Nitsch Engineering, introduced herself as having been hired by the PB to review this application for compliance with PB regulations and make recommendations where appropriate. Stewart suggested that, rather than go through their recommendations now, his firm could work directly with Judith Nitsch Engineering to work out the details of their recommendations before the September 27 meeting.

Brock then suggested that the PB may not wish to postpone discussion on inconsistencies between PB regulations and the Fire Department's recommendation, such as the PB regulation for a turnout every 300 feet, which Stewart reiterated is the way the driveway was originally designed. Hara responded that the PB has been meeting with the Fire Chief to try to understand the Fire Department's position and is trying to understand the impact of those regulations on the PB regulations, as well as on the Town. As an example, she cited the regulations for common driveways serving only a few homes, which are generally meant to help minimize impact on the area. She illustrated the suddenness of the change in the Fire Department's requests with a list of recent common driveway permits and their required widths, showing twelve- and fourteen-foot widths existing, versus the proposed eighteen- and twenty-foot widths. Moreover, the Fire Department's recommendations are dynamic, changing with each re-design of the plan. Stewart said, for example, that the common driveway on Benfield Parcel B was re-designed 6 times (at a cost of \$70,000 so far), each time in accordance with the Fire Department's revised recommendations. Meanwhile, he said, the Carlisle PB regulations reflect some of the best principles of common drives that he has built, used, and watched in use to see how they work, their impact on the environment, and how they provide for public safety equipment, drainage, and aesthetics. He said that many towns are narrowing their roads and incorporating slowing mechanisms because smaller roads are found to be better in every regard. Brock concurred. Hara commented that it is ironic that although the turning radius of the new fire vehicles has reduced from 65 to 55 feet, cul de sac requirements are expanding. Brock pointed out that the State regulations for fire lanes are eighteen feet, and this may be where the Fire Department is getting this figure.

Hara commented that this becomes a more urgent issue when you consider that the public has voted for this board to uphold the regulations that are in place. Freedman commented that that is a very important point, and in that regard, the issue should be made more public, as well as brought before the Board of Selectmen. Hara suggested that before getting to that point, the PB should try to find some objective evaluation of acceptable parameters in order to compare to current PB regulations or other recommendations. **Greg Peterson** expressed his opinion that the PB, by definition, has the authority to determine requirements such as these under discussion. In addition, he pointed out that the previous Fire Chief had himself done substantial research on these issues and, ultimately, his findings and subsequent requirements concurred with the Board's.

Stewart suggested a site visit with the PB and the engineer to recommend any necessary changes. He will be showing the site to the Conservation Commission on Tuesday, August 24 at 3pm and again at 5pm. Stewart also invited the general public. Mansfield noted that he should post the site visit to the public by Monday, August 23 as a public meeting. Hara invited Brock to attend the site visit.

Zinicola moved to **continue the public hearing for the two common driveways on September 27 at 7:45pm**. The motion was seconded by Freedman and carried 7-0.

Continued Public Hearing for request for Common Driveway Special Permit, 186 Rutland Street, Richard Blanchard, applicant

The applicant **Dick Blanchard** was present.

Blanchard explained that he scheduled this continuation of the public hearing in order to hear what the Fire Chief's decision is, as his common drive services only 2 homes. He decided to wait further until inconsistencies between the Fire Department and PB are resolved.

Without taking further testimony, Zinicola moved to **continue the public hearing for the two common driveways on September 13 at 7:45**. The motion was seconded by Freedman and carried 7-0.

Application for Special Permit for Accessory Apartment, 51 Spencer Brook Lane, Timothy Stephens, applicant

Hara appointed Associate Member Tom Lane for the Public Hearing to act on this application.

The applicant Timothy Stephens and his wife Nancy Stephens were present.

Hara explained that the application needs 5 votes in favor in order for the application to be approved. Once the hearing opens, if the hearing goes to another meeting, the 7 PB members in attendance tonight will still be eligible to vote on the issue; the PB member who is absent (Boulé) will no longer be eligible to vote on the issues. The applicant agreed to proceed with the hearing.

The applicant, **Timothy Stephens**, outlined his plans for the accessory apartment over a new 4-car garage. On the first level there would be a 2-bay garage with 2 spaces for the applicant (one in front of the other) and 2 spaces for the occupants of the apartment (his parents-in-law, in this case), with turnaround space in front of the garage. The structure is designed so that the character of the single-family house is preserved from the front. In the apartment, there are two means of egress, as required. One is through a common hallway with the main house, referred to as the "breezeway," and the other is a second-floor door to a wooden deck and exterior stair. The lot has frontage, but no access, on Concord St. and is clearly visible from that arterial, especially the swimming pool, located in the back of the house. The proposed deck and exterior stair would also be easily visible, and it was discussed whether this would be contrary to the external appearance of the house as a single-family home. It was determined to be no problem, as long as the lighting is consistent with residential norms.

Hara listed the PB bylaws for accessory apartments to confirm that the plans meet the requirements. There was some discussion about the bylaw stating that the maximum floor area is not to exceed 1,200 square feet. Stuart questioned the architect's calculation of 1,169 square feet, which does not correlate to other dimensions on the plan. PB members questioned whether the 1,169 sq. ft. includes only livable space (i.e. does not count the stairwell, space for walls, ventilation shafts, etc.), and if so, if this is what the bylaw intended. In the end, the 1,169 square feet that was certified by a registered architect was determined to be reasonable, and any discrepancies are not enough to impede approval of the plan.

After discussing all PB bylaws, Hara explained that this apartment would be a good candidate for a deed-restricted accessory apartment, which would help the town meet state requirements for affordable housing. The applicant need not take action now, but just keep it in mind if they decide to rent the apartment in the future.

Bahr moved to **approve plans for the 51 Spencer Brook Lane accessory apartment on the condition that there is no parking in the rear of the house (the Concord Street side) and that any lighting be of residential character.** The motion was seconded by Freedman and carried 7-0.

Mansfield suggested that the board can approve one member to sign the decision so that the applicant can begin the process sooner than if he waited to submit a draft at the next Board meeting.

Freedman moved to **authorize Hara to sign the PB decision on the Spencer Brook accessory apartment special permit application.** Lane seconded, and the motion carried 7-0.

Minutes

The minutes of 7/19/04 were reviewed. Freedman **moved to accept as amended the minutes of July 19, 2004.** Zinicola seconded the motion and it carried 6-0 with one abstention (Hara).

Fall Meeting Schedule

PB will meet on the second and fourth Monday each month, except in October, when the first meeting is cancelled because of the Columbus Day holiday. The specific meeting dates are as follows:

September 13, 27

October 25

November 8, 22

Budget

A bill from GPR, dated 7/03, was forwarded from Town Counsel, Kim Saillant, which PA will return to Saillant for further information.

Mansfield recommended extending Helen Boos's contract as Temporary Administrative Assistant until August 31, as well as authorizing an additional \$500.

Freedman moved to **extend Helen Boos's contract until 8/31/04 and authorize an additional \$500.** Bahr seconded, and the motion carried 5-0 (Stuart not voting).

Mansfield recommended extending Janice Bernsee's contract to continue work on GIS project until September 30, as well as authorizing an additional \$1,000.

Freedman moved to **extend Janice Bernsee's contract until 9/30/04 and authorize an additional \$1000.** Bahr seconded, and the motion carried 6-0.

Community Development Plan

Members discussed the role of the PB and how best to impress its knowledge, value, and authority regarding Carlisle planning issues on other public bodies, such as the Fire Department and the Board of Selectmen. Specifically, PB members noticed a need for a plan for informing the public on their role, as well as building a defense of the PB budget. Members also talked about whether part of the PB role should be creating a "Master Plan" for Carlisle, and how the PB would do this. Members discussed whether a consultant would need to be hired to either create a such a master plan, or to help guide the PB in creating a master plan; it was further discussed whether the Board has the means to write a master plan without the help of a consultant, and what resources are available as guides, such as the MAPC. It was questioned whether the Carlisle EO418 Community Development Plan could be used as the basis for a larger master plan.

Selectmen

Tony Allison is the new Board of Selectmen's Liaison.

Commonwealth Capital Fund

Mansfield noted that Madonna Mckenzie has asked him to serve as Commonwealth Capital Fund (CCF) contact person for Carlisle. An application must be completed before 8/31/04.

Development of conceptual plan for "Benfield Parcel A," South Street

Zinicola presented plans and summarized the work of the Benfield Planning Task Force. She said the BPTF wanted to first set forth what the development limitations are on this site. It was noted that up to 150 units could be built on that parcel, but they have planned for 26 "affordable housing" units of various sizes, which will be designed to look like a New England farm house compound with outbuildings, rather than town-houses. Neighbors of the area still have not given their complete agreement. There are also plans for a soccer field and community center. The geographical features of the parcel were explained and discussed. There was discussion of the layout of the road, which generally follows the geography of the land.

On their search to define the development limitations, the BPTF discovered that, because of the number of proposed units, the project would require a well with a 250-foot radius, and they put a lot of time and discussion into deciding where best to locate such a well. Another limitation, for the moment, is that there is a site of some possible archeological significance that needs to be evaluated by a State archeological agency before plans can proceed.

The BPTF is currently looking into cost variables for the different sized homes. Their current total estimate for construction is about three to four million dollars.

ANR Plan, Concord Street & Bingham Road

This plan proposes a minor adjustment in the lot line between two lots that were created by an ANR plan in 1999. The original map was missing dimensions and abutter information, and shows an incorrect location of the Wetland/Flood Hazard Zone. These omissions/errors have been corrected on this map. There is still one omission of information: the house numbers of the two lots. Regulations do not require that the addresses of the existing houses be shown.

Zinicola moved to endorse **as ANR the plan for the Mark Family Living Trust, July 2004**. The motion was seconded by Stuart and carried 5-0 with one abstention.

Chapter 61B withdrawal location

A request has been received from the Selectmen for the PB's recommendation on exercising the Town's right of first refusal on the purchase of a 6-acre landlocked parcel by Bill Costello. Costello already owns 43 acres of adjacent land with frontage on both Curve St. and Bingham Rd., not including the land on the opposite side of Curve Street. This parcel is assumed to be highly developable upland. The Selectmen would like a response by September 7.

Sale price is \$300,000, which is very low. It was discussed whether the town should buy the land and then sell it to Costello for a more fair price. However, as the land is not necessary for Costello's development plan, and as it is useless to anyone else because it is surrounded by land already owned by Costello, there would be no reason for withholding approval to sell the land.

Pine Meadows and Wilkins Lane extension

The Selectmen did not take a position on the structures in the Davis Road right-of-way. Costello has not responded to the Wilkins Lane letter from the PB engineer. The approval of both plans expires August 30, and the PB has not been asked to extend the deadline. Mansfield recommended that he notify Costello and inform him that the PB has not been able to take action and would like another request for extension.

There was discussion about whether both an As-Built Plan and a Layout Plan are needed, and what the difference is. The PA will draft a letter to Costello requesting a Layout Plan for both subdivisions, and also ask that the plans be provided digitally.

Cost of ads for accessory apartments

The cost to the PB for running the ads for the Spencer Brook Lane accessory apartment is \$245, including mailing costs for notices. The PB must pay for it, rather than the applicant, presumably to encourage more people to build accessory apartments, although the regulations are not clear or consistent. It was agreed that the PB should not be responsible for the fees, as these fees drain the PB budget substantially. After looking at the regulations, as well as the cover letter for the application, it was determined that the cover letter need simply be revised so that it is clear that the responsibility for such fees lies with the applicant. In addition, Freedman suggested that there is a need for the PB to review the filing fees.

Subcommittee to search for new PB engineer

To help in the search for a new engineer, Gonzales has a list of engineers who he has worked with. Gonzales and Stuart will conduct the search.

Applications for Administrative Assistant position

Ten applications were submitted to replace Anja Stam. Three PB members will conduct the search for a new administrative assistant: Hara, Zinicola, and Bahr. Mansfield will also be part of the search.

Bahr moved to **authorize Hara to select an appropriate candidate to the role of administrative assistant to the Planning Board and Planning Administrator**. Stuart seconded the motion and the vote was carried 6-0.

At 12:15 a.m., the Board unanimously adjourned the meeting.

Respectfully submitted,

Helen Boos
Temporary Administrative Assistant